

No. PD-0574 -19

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**IN THE TEXAS COURT OF CRIMINAL APPEALS  
AT AUSTIN, TEXAS**

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FILED  
COURT OF CRIMINAL APPEALS  
6/12/2019  
DEANA WILLIAMSON, CLERK

**ADRIAN VALADEZ, Appellant**

**v.**

**THE STATE OF TEXAS**

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**APPELLANT'S MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT'S PETITION FOR DISCRETIONARY REVIEW**

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**TO THE HONORABLE JUDGES OF THE TEXAS COURT OF CRIMINAL  
APPEALS:**

Comes now, Adrian Valadez, Appellant in the above styled and numbered cause and pursuant to TEX. R. APP. P. 10.5(b) and 68.2(c) files this motion for extension of time to file Appellant's Petition for Discretionary Review and would show this Honorable Court the following:

**I.**

On May 15, 2019, the Tenth Court of Appeals handed down a decision affirming Valadez' conviction for the third degree felony offense of possession of marihuana in an amount over five pounds and under 50 pounds in cause number 10-17-00161-CR. *Valadez v. State*, 2019 WL 2147625 (Tex. App.—Waco 2019,

no pet.). No motion for rehearing was filed and Valadez' petition for discretionary review is due on June 14, 2019.

## **II.**

Valadez seeks a 30 day extension of the current deadline in which to file his petition for discretionary review. This request is based on the following facts which prevent counsel for Appellant from preparing the petition for discretionary review by the current deadline:

Counsel cannot meet the current deadline and needs a 30 day extension because the record on appeal is voluminous consisting of nine volumes and various electronic exhibits. Counsel was not retained to represent Valadez on discretionary review until May 24, 2019. Since being retained, counsel has worked on Valadez' petition as well as a brief due on June 10, 2019, in *Sanders v. State*, No. 02-18-00539-CR and a brief due on June 12, 2019, in *Sherwood v. State*, No. 14-19-00030-CR. Filing of the petition for discretionary review cannot be accomplished by the current deadline while still effectively representing Valadez on discretionary review in this Court.

## **III.**

This is the first request for an extension to file Valadez' petition for discretionary review.

## **PRAYER**

Valadez requests this Court grant the motion and extend the time to file his petition for discretionary review up to and including July 15, 2019.

Respectfully submitted,

/s/Richard E. Wetzel  
Richard E. Wetzel  
Bar No. 21236300

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Attorney for Appellant  
Adrian Valadez

## **CERTIFICATE OF SERVICE**

This is to certify a true and correct copy of this pleading was emailed to Counsel for the State of Texas, Sterling Harmon, Assistant Criminal District Attorney, at his email address maintained at [Sterling.Harmon@co.mclennan.tx.us](mailto:Sterling.Harmon@co.mclennan.tx.us) on this the 10<sup>th</sup> day of June, 2019.

/s/Richard E. Wetzel  
Richard E. Wetzel  
State Bar No. 21236300